

## **SANCTUARY ADVISORY COUNCIL**

Tuesday, August 7, 2001  
10:00 a.m. - 3:00 p.m.  
Honolulu International Airport  
Interisland Conference Center, 7<sup>th</sup> Floor

### ***Final Meeting Minutes***

#### **Attendance**

*SAC Members Present:* Sallie Beavers, Athline Clark, James Coon, Margaret Dupree, Bill Friedl, Walter Haas, June Harrigan Lum, Lou Herman, Cindy Knapman, Jack Laufer, Paul Nahoia Lucas, Naomi McIntosh, Patty Miller, Dick Poirier, Glenn Soma, Robert Smith, Mike Stanton, Mike Tosatto, Jeff Walters, John White, Reginald White.

*SAC Alternates Present:* Carl Berg, Dave Hoffman, Jeff Kuwabara, Rene Mansho, James McCarty, Wallace Patch, Jon Van Dyke.

*Excused:* Elizabeth Corbin, Nancy Daschbach, Eric Gilman, Isaac Harp, Teri Leicher, Bill Lennan, Paul Nachtigall, John Reghi.

#### *Others Present:*

FORMER MEMBERS: Hannah Bernard

HIHWNMS: Christine Brammer, Claire Cappelle, Kellie Cheung

PUBLIC: Star Carter (student)

#### **Distributed Materials**

- Final Agenda
- Updated SAC Member Directory
- Acting Sanctuary Manager Report
- State Co-Manager Report
- Conservation Subcommittee Report
- Proposed C02 Sequestration Letter
- HISWTR Letter from CDR Wohlschlegel
- 1999 Update/Comments on HISWTR from SAC Conservation Subcommittee
- Education Subcommittee Report
- Hawai'i County Report
- Honolulu County Report
- Kaua'i County Report

- Draft Resolution on HIHWNMS Funding
- Memo from ONMS to NMFS re Stranding Coordination
- Letter from NMFS re SAC comments on Stranding Response
- Senator Inouye Press Release re Senate Appropriations Committee
- Maui News Article: “Panel Approves \$2M for Maui Whale Sanctuary Facility”
- Personal Statement from William Friedl
- Management Plan Review Key Points for Draft Communication Plan
- Management Plan Executive Summary
- Proposed Changes for HIHWNMS SAC Charter
- Paper: Fast Passenger Ferries and their Future (Wang & Mcowan)
- Paper: Collisions Between Ships and Whales (Laist, Knowlton, Mead, Collet, Podesta)
- Lou Herman’s Presentation Notes: Residence Times of Humpback Whales in Hawaii

### **Call to Order**

The meeting was called to order by SAC Chair James Coon at 10:05 a.m.

### **Approval of Meeting Minutes**

Mr. Coon called for approval of the minutes from the meeting held on May 10, 2001 in Kaua’i. Minutes were approved unanimously.

### **Introduction of New Members**

Mr. Coon recognized the returning SAC members, who were reelected back to their seats for another two-year term:

Sallie Beavers, Hawai’i County Representative  
 William Friedl, Honolulu County Representative  
 Walter Haas, Kaua’i County Representative  
 Patty Miller, Education Representative  
 Paul Nachtigall, Research Representative  
 Carl Berg, Kaua’i County Alternate

New SAC members and alternate members were introduced. The new members are as follows:

John White, Maui County Representative  
 Jeffrey Kuwabara, Education Alternate  
 Rene Mansho, Honolulu County Alternate  
 James McCarty, Maui County Alternate

Mr. Coon thanked former Maui County representative, Hannah Bernard, for her dedication to the SAC over the years. He also announced that Paul Nahoia Lucas, the former Native Hawaiian alternate, would take over the remainder of Charles Maxwell's term due to his recent resignation.

### **SAC Chair Report**

Mr. Coon discussed the status of various action items identified at the previous SAC meeting.

- The SAC passed a motion to send a letter to Dr. Janet Whaley, National Stranding Network Coordinator for the National Marine Fisheries Service (NMFS), to express concerns regarding marine mammal stranding responses in Hawai'i. A letter dated May 23, 2001 was signed by the Chair and sent to NMFS. Dr. William T. Hogarth, Acting Assistant Administrator for NMFS sent a response letter dated June 25, 2001.
- The SAC passed a motion to request that the Acting Sanctuary Manager request that NOAA provide the personnel and support to adequately revitalize and publicize the Marine Mammal Stranding Network in Hawai'i. The SAC also requested that NOAA report back to the SAC on this matter. Ms. McIntosh communicated this motion to Dan Basta, Director of the Office of National Marine Sanctuaries. As a result, Mr. Basta forwarded a letter to Don Knowles, Director of NMFS Office of Protected Resources.
- The SAC passed a motion to submit comments developed during the May 10<sup>th</sup> SAC meeting to NMFS on the Navy's proposed SURTASS LFA project. A letter dated May 30, 2001 was sent to NMFS.
- The SAC voted to send a letter expressing its appreciation to Gary Moniz, Administrator of the State Division of Conservation and Resource Enforcement for their agency's assistance in the Punaluu stranding of humpback whale calf in March 2001. A letter was signed by the Chair and sent on May 23, 2001.
- In response to a request, the Acting Sanctuary Manager provided information on the HISWTR proposal on July 2, 2001.

### **Other Reports**

The Acting Sanctuary Manager Naomi McIntosh provided a brief overview of her report, which was distributed prior to the meeting for review (see Attachment 1).

State Co-Manager Jeff Walters discussed his report, which was also distributed prior to the meeting (see Attachment 2).

Conservation Alternate Jon Van Dyke stood in for Eric Gilman at the meeting, identifying the various recommendations in the Conservation Subcommittee Report (see Attachment 3).

Education Representative and Subcommittee Chair Patty Miller briefly discussed her report (see Attachment 4), and requested that her subcommittee now be referred to as the Education and Outreach Subcommittee.

Sallie Beavers, Hawai'i County Representative, provided a report for distribution prior to the meeting (see Attachment 5) and provided a brief overview.

Honolulu County and Kaua'i County reports (see Attachment 6) were also distributed prior to the meeting, but were not discussed as they did not identify action items or recommendations.

### **Unfinished Business**

MOTION: A motion was made to approve the South Pacific Whale Sanctuary Resolution that was discussed at a previous meeting. The resolution was approved unanimously, with the provision that a request be made to the IWC that they address the resolution at their next meeting.

MOTION: A motion was made to approve the proposed comments/letter that was drafted by Dr. Walter Haas on the C02 sequestration project. SAC voted 11 (yes) to 2 (no), with 5 abstentions. Motion carried.

MOTION: The SAC also requested that the above-mentioned letter be sent with an additional resolution (to be drafted by Eric Gilman) on SAC opposition to C02 Sequestration. The resolution shall be based on points taken from Dr. Haas' letter. SAC voted 8 to 4, with 6 abstentions. Motion failed.

ACTION: The SAC recommended that the managers examine regulatory procedures to prohibit C02 experiments in sanctuary waters and to report back to the SAC on their efforts.

MOTION: A motion was made to approve a resolution recommending that a sanctuary office be established on the Big Island. Motion carried unanimously. Sallie Beavers will provide a copy of the amended resolution.

### **New Business**

#### ***Conservation Subcommittee Items:***

MOTION: A motion was made to approve a subcommittee recommendation that the Sanctuary Managers take action to prohibit the proposed Navy nearshore training

activities (HISWTR project) from occurring in sanctuary waters and at the sanctuary office in Kihei. SAC voted 9 to 1, with 8 abstentions. Motion failed.

MOTION: A motion was made to request that the managers inform the SAC of past SAC recommendations on the HISWTR issue and brief the SAC on the status of the proposed project (i.e., disclosing MOUs between the Navy and the Department of Commerce). SAC voted 1 to 5, with 12 abstentions. Motion failed.

MOTION: A motion was made to recommend that the SAC send a letter to the Navy regarding the HISWTR project, using Lou Herman's 1999 briefing for the SAC with some revisions based on the NMFS ESA Section 7 consultation with the Navy on this proposed action. SAC voted 14 to 1, with 3 abstentions. Motion carried.

MOTION: A motion was made to recommend that the sanctuary hold a workshop (dependent on available funding) on threat assessment. Alternatively, or in addition to the workshop, a contractor could be hired to conduct a threat assessment study. SAC voted 16 to 0, with 2 abstentions. Motion carried.

ACTION: Bill Friedl will take the lead in organizing a working group to address high speed vessel issues.

***Education Subcommittee Items:***

MOTION: A motion was made to look at the education subcommittee's proposed projects (outlined in the education subcommittee report) and recommend that the SAC support the projects as one whole package. SAC voted 15 to 0, with 3 abstentions. Motion carried.

***Charter Revision Subcommittee Items:***

Dick Poirier discussed the various proposed changes to the SAC charter and requested that the SAC focus on a list of new proposed amendments to the charter. They are: removing voting rights of government members, extending terms of SAC officers, and providing advice to both sanctuary co-managers. The SAC decided to look at the amendments individually rather than adopting the charter as revised.

MOTION: A motion was made to change the charter to remove the voting rights from all government members. A vote was done through written ballot. SAC voted 4 to 14. Motion failed.

MOTION: A motion was made to extend SAC Officer terms from 1 to 2 years. SAC voted 10 to 4, with 4 abstentions. Motion carried.

MOTION: A motion was made to change the charter to reflect that SAC advice will be given to the Sanctuary Manager as well as the State Co-Manager. Motion carried unanimously.

In addition, members of the SAC brought forth the following motions:

MOTION: A motion was made to have the charter allow alternate members to participate in SAC subcommittees. SAC voted 17 to 0, with 1 abstention. Motion carried.

MOTION: A motion was made to delete a list of violations in the charter that may result in the removal of a member from the Council. SAC voted 4 to 13, with 1 abstention. Motion failed.

Following the votes on the aforementioned motions, the general consensus of the SAC was to support the Charter Revision Subcommittee's changes to the charter. However, an official motion on this matter was not made.

***Other Items:***

ACTION: Athline Clark volunteered to convene a working group to develop a vision statement for the SAC.

MOTION: A motion was made to approve a resolution calling for an increase in funding for the HIHWNMS. Motion carried unanimously.

**Sanctuary Research Projects Update**

Dr. Louis Herman provided a presentation for the SAC on his Sanctuary-funded research regarding residence times of humpback whales in Hawai'i. Dr. Herman provided information on migration patterns to and from winter grounds, social organization, and identification data.

**Public Forum**

Carl Berg, Kaua'i County Alternate, remarked that the Sanctuary should note that the public wishes to expand the size of the Sanctuary as well as the marine species included under its protection. The mechanisms for doing so should be developed and ready to implement as soon as the new management plan is approved by the Governor. Dr. Berg also commented that he would like to see alternate SAC members allowed to participate on the Management Plan Review Subcommittee.

With regard to the Education Subcommittee Report, Dr. Berg indicated that the list of projects should be prioritized. He further remarked that money should be spent on educating the public on the Sanctuary resources rather than sanctuary itself. Because the Sanctuary already has a staff person to handle PR, it should receive a separate budget rather than be hidden under "education." He emphasized that money should be spent on "real" education projects and research rather than promotion.

### **Adjournment**

With no further business, the meeting was adjourned at 3:10 p.m.

**The next meeting will be held on Tuesday, October 16, 2001, at the Honolulu International Airport from 10:00 a.m. to 3:00 p.m.**

## **ATTACHMENT 1**

### **Acting Sanctuary Manager's Report**

Tuesday, August 7, 2001

#### **National Marine Sanctuary System News**

- The next ONMS Research Coordinators meeting is being proposed for January 28, 2002.
- National Marine Sanctuary Foundation. NMS foundation Director, Lori Arguelles has expressed interest in working with the Hawaii Sanctuary to plan outreach events in conjunction with the Sanctuary's fifth anniversary and Management Plan Review in 2002. Events could include members of the foundation's board visiting Hawaii to help raise Sanctuary awareness. Lori may be visiting Hawaii in October 2001, SAC Chair Jim Coon suggested inviting Lori to the October SAC meeting.
- 2002 Budget Update. The Senate has decreased the Marine Sanctuaries FY01 enacted base funding level of \$32 million by \$2,000,000 for FY02, making the Senate mark for the Marine Sanctuaries base funding \$30 million. The House action on the Sanctuary budget is still pending.
- July 2001 Boy Scout Jamboree. The National Marine Sanctuary System worked with Reef and the American Boy Scouts to introduce fish watching and the Sanctuary system. The Boy Scouts Jamboree occurs every four years and this year the National Marine Sanctuary System was featured during the SCUBA experience (just to give you an idea, it is estimated that 40,000 or so kids will attend and go through the SCUBA thing!). Twenty fish Sanctuary posters were displayed in strategic places. Areas, where the scouts would be standing in a line and could read them while they waited. Four pools had large Banners saying "REEF welcomes you to the Florida Keys National Marine Sanctuary" or Channel Islands, Hawaiian Islands, Flower gardens etc. As each group of scouts were about to enter the pool, the instructor would introduce himself and say "Welcome to the Channel Islands National Marine Sanctuary!" The staff really embraced the idea and adopted each pool as a Marine Sanctuary. Underwater fish were placed in each pool representing that specific sanctuary and bouyed by a float. Not the real thing but gave them the illusion of fish underwater. Videos that you donated from the NMS were shown in a video trailer throughout the week. The presence of the National Marine Sanctuary was evident all over the aquatic activity site. Extra fish cards, showcasing each sanctuary will be made available to the participating sites. If you want to find out more about the Jamboree, visit the website: [scubastaff@ocbsa.org](mailto:scubastaff@ocbsa.org)
- The Hawaii Sanctuary would like to recognize the education efforts of Hawaii SAC member, Patty Miller. Patty Miller spent part of her summer filming an episode of KidScience on the recovery of coral reefs within the Fagatele Bay NMS. The Sanctuary appreciates all the good work that Patty does in support of the National Marine Sanctuary System.



## Sanctuary Administration News

August 2001

- The Hawaii Sanctuary staff has started to put together an Annual Operating Plan for Fiscal Year 2002.

July 2001

- A July 19th press release issued by Senator Daniel K. Inouye announced that the U.S. Senate Appropriations Committee approved \$2.2 million to construct a multi-purpose building for the Sanctuary's Maui office. The funding for the project was among other projects that were approved by the Appropriations Committee, the measure will now be sent to the full Senate for approval.
- Dan Basta sent a letter to all SAC members announcing that Sanctuary Manager Allen Tom will remain with Senator Inouye's Washington DC office for another year and return in August 2002. Naomi McIntosh will continue to serve as Acting during this time.
- The Sanctuary completed procurement action to acquire a Sanctuary vessel and Research Consultant
- Facilities construction to began at the Maui Site to prep for re-roofing of the Maui Education Center
- The Sanctuary filled a position at the Maui Office for a Senior hire to provide staffing at the Maui Education Center
- Claire Cappelle and Joylynn Oliveira assisted in a 12-hour response to a stranded female rough-toothed dolphin on Sugar Beach in Maui on July 19th. After a veterinarian arrived and assessed the situation, it was determined that because there was no facility in Hawaii where the animal could receive the long-term rehabilitation that was needed, that the animal should be and was euthanized. The dolphin was transferred to the Maui Sanctuary site where it was buried following a necropsy examination.
- Joylynn Oliveira, Cultural Educator has been asked to be a Consultant to Project Kahea Loko. Project Kahea Loko is funded through the U.S. Dept. of Education and Pacific American Foundation. It is a three-year project to develop curriculum on Native Hawaiian Fishponds. The Maui site will be used as an educational site where teachers can bring their students to experience and learn about an actual Native Hawaiian fishpond. The Maui site will also help to support education efforts for teachers who are in the process of learning the curriculum.

## Education and Outreach Activities

Ongoing (monthly)

Sanctuary Lectures Series at the Maui Site continues to be a very popular activity at the Maui office, topics over the summer included, Hawaii's Monk Seals, Sea turtles, Hawaii's weather,

#### July 2001

21 Staff and volunteers participated in Community WorkDay's clean-up by sprucing up the Maui site and the adjacent beaches and roadways.

19 Kalima O Maui, a non-profit organization that provides job training and other services brought 20 adults to visit the Sanctuary Education Center. Staff members educated them on humpback whales and the Sanctuary Program.

10 The Maui Police Department Summer Camp and the Lyons International Students group visited the Maui site to learn about humpback whales and the sanctuary. Approximately 80 students attended.

#### June 2001

30 Maui staff and volunteers participated in the Lana'i Pineapple Festival. Over 2000 people attended (population on Lanai is approximately 2500 people) the event was held from 2 to 10 pm. The Sanctuary staff provided children's activities and passed out information on humpback whales and the Sanctuary.

25 Maui Community College held their Ethnobotany class on "Seaweeds by the Shoreline" at the Maui Sanctuary site.

21 Twenty-one Maui public school educators participated in a sanctuary-sponsored workshop "Tools for Teaching about Humpback Whales." The workshop was conducted at the Sanctuary's Maui Education Center by sanctuary staff and volunteers. It was part of a one-week "Field Studies in Marine Science for Teachers" accredited summer class at Maui Community College taught by Instructor Fran Coopersmith and Russell Sparks from the Hawaii State Department of Land and Natural Resources. Sanctuary staff also prepared a "Tools for Teaching About Humpback Whales" handbook for the teachers.

19 Volunteers and several cooperating agencies (DAR, MCC - MOP, NMFS) with the Maui turtle stranding network met at the Maui Sanctuary office for a refresher training on procedures for responding to turtle strandings. Project Coordinator, George Balazs, with the NMFS was able to address questions and concerns regarding the turtle stranding network on Maui.

8 Oahu, Kauai, and Maui Sanctuary offices began distribution of the newly published "Island Stewardship: Guide to Preventing Water Pollution for Hawaii's Homes and Businesses". The Guide was prepared by the West Maui Watershed Management Advisory Council and the Hawaii Department of Health for the islands of Maui, Kauai, and the Big Island. It was sponsored by the Sanctuary with funds that were allocated to the State of Hawaii Department of Land and Natural Resources

8 20 English as a second language students from Maui Community College visited and toured the Maui site. They learned about the Sanctuary and how the Sanctuary protects humpback whales and then they went canoe paddling.

#### May 2001

24 Oahu staff along with the state co-manager attended a large whale disentanglement workshop held by NMFS.

## ATTACHMENT 2

### **State Co-Manager's Report**

August 7, 2001

#### MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period May 11, 2001 through August 7, 2001

#### State-Administered Research Projects

We have received and accepted the following final research project reports:

- *Feasibility of using acoustic DIFAR technology to localize and estimate Hawaiian humpback whale population*, prepared by Whitlow Au, Ph.D. and Kimberly Andrews, Marine Mammal Research Program, Hawaii Institute of Marine Biology.
- 4) *Estimating residence times of humpback whales in Hawaii*, prepared by Alison Craig, Ph.D., Louis Herman, Ph.D., and Adam Pack, Ph.D., of The Dolphin Institute.

We are also expecting final reports to be submitted very soon by Dr. Joe Mobley et al. on humpback population and distribution, and from Dr. Jim Darling et al. on sub-surface behaviors of humpbacks. We are currently discussing with the researchers the most appropriate way for the Sanctuary to publicly present the findings of the projects. We will work with the researchers so that the findings can be released in as complete and timely manner as possible without interfering with any near-term plans to have the research published in a peer-reviewed journal. SAC members with ideas on this matter are encouraged to share them with Sanctuary management.

#### State-Administered Projects Using FY01 Funds

The DLNR's contract with NOAA was modified on July 5, 2001 to include the following new projects. The funds for these projects are federal FY01 funds. These projects are all still in their initial stages and SAC input on any/all of them is welcomed:

- *Boater Outreach Program* - The main goal of the program is to minimize undesirable/illegal interactions between recreational boaters (e.g., kayakers) and humpback whales through education and outreach. The program has been inspired primarily by the Team Ocean Program of the Florida Keys NMS, which has been quite effective in reaching boaters regarding appropriate activities within their sanctuary. NOAA Enforcement personnel, have also recently done some good work in this regard in cooperation with the Hawaii sanctuary. We would like to build on the work previously done by FKNMS, NMFS, and others to design a program for implementation every whale season (if not year round) that could ensure whale-appropriate boater behavior by a very broad sector of Hawaii's ocean recreation

community. The program is envisioned to entail a combination of written materials, workshops, interpretive signage/kiosks at harbors/boat ramps, and informative adhesive stickers for rental kayaks, windsurfers, etc.

- 5) *Hawaiian Uses Map* - The goal of this project is to produce a color poster/map and an associated set of GIS layers depicting native Hawaiian natural resource use within and just onshore of the Hawaiian Islands Humpback Whale National Marine Sanctuary. These products will be used as baseline reference materials during consultations with native Hawaiians who will review and suggest modifications as necessary to best reflect local knowledge of native Hawaiian uses. In addition to producing the initial poster/map and GIS layers, the project will include at least one round of modification/revision to reflect input provided during the consultations. The uses and features to be depicted include, fishponds, ahupua`a boundaries, fishing activities, certain recreational activities (surfing, limu picking), and fishing shrines and other coastal/marine resource-related sacred sites. Data will be gathered from existing maps, GIS layers, coastal use atlases, etc. (no new primary research or field work will be done). The color poster/map and GIS layers will be compatible with ArcView 3.x software. The color poster/map will be designed to be visually appealing and include elements (icons, descriptive text, etc.) that will make it a useful as reference for native Hawaiians, Sanctuary staff, and the general public. In areas where uses are numerous and/or spatially dense, island-specific maps may also be produced.
- 6) *Sanctuary Human Uses Study* – A study will be conducted to identify types and levels of human natural resource use that occur within sanctuary waters. Uses studied will include ocean recreation and fishing.
- 7) *Research Bibliography* – This project will entail the collection, review and cataloguing of research reports and other scientific data relevant to managing the sanctuary. The project will produce an annotated bibliography of all relevant research reports in database form.
- 8) *Newsletter* - The newsletter is an informational product targeted to a general audience comprised of both sanctuary user groups and non-user groups. Each issue will contain no less than two feature articles, 1,500 to 2,000 words in length, with content pertaining to the goals, projects, programs, natural resources, and people of the Sanctuary.
- 9) *Image Archive* - A centrally organized and catalogued library of video segments and still images will be produced. The library will be used in creating education and outreach materials and also made available for educators and others interested in using the material for non-commercial purposes consistent with the goals of the Sanctuary.
- 10) *Education and Research Brochures* - The Education Brochure will describe the education function of the sanctuary and will highlight Sanctuary education and outreach activities. The research brochure will provide an overview of the Sanctuary's research program and synopses of research projects conducted with sanctuary support. Both brochures are expected to be 4-fold, 2 color documents.
- 11) *Press Kit* – A professional quality press kit will be produced to promote media coverage of sanctuary management activities and events. Five hundred press kits will be distributed to a core list of local and mainland media outlets.

### Management Plan Review

State Sanctuary staff have been active in numerous meetings, conference calls and other activities related to the review and revision of the Sanctuary's Management Plan. The Co-Manager accompanied Acting Manager, Naomi McIntosh to meetings regarding Sanctuary Management Plan review and revision with 1) U.S. Navy representatives on May 14, 2001; 2) U.S. Coast Guard representatives on June 15, 2001; 3) Kitty Simonds, Executive Director of the Western Pacific Regional Fisheries Management Council, on July 10, 2001; and 4) John Reghi, Assistant Special Agent in Charge for NOAA Law Enforcement, on July 31, 2001. State Public Outreach Coordinator, Liza Simon, has continued to work on the initial review draft of the *State of the Sanctuary Report*, which will summarize the Sanctuary's past 5 years of accomplishments and constraints. The draft of the report as well as a draft of the revised management plan, which reflects a great deal of input from the SAC and its subcommittees, is expected to be ready for public review before the end of 2001.

### Budget and Program (AOP) Planning for FY02

State Sanctuary staff have worked in collaboration with federal staff to develop a preliminary FY02 budget proposal for consideration by NOAA leadership. Acting Sanctuary Manager, Naomi McIntosh, has worked diligently to solicit and consider input from the SAC Subcommittees regarding their priorities for FY02, and has also consulted with state and federal Sanctuary staff on their budget requests. NOAA-ONMS HQ has indicated that initial budget proposals from each Sanctuary not exceed the FY01 base budget amount.

### Sanctuary Vessel

The Co-Manager and DLNR-DAR-Maui staff have been working with the Sanctuary Manager and other NOAA-ONMS staff in developing the procurement specifications for the Sanctuary's first vessel. The plan for the vessel still includes at least part-time storage at the DLNR-DAR-Maui compound in Wailuku and vessel operation for Sanctuary purposes by qualified DLNR-DAR-Maui staff.

### Kauai Trip

The Co-Manager accompanied the Acting Manager on a one-day trip to Kauai on July 24, 2001. Kauai Sanctuary Liaison, Jean Souza, facilitated a very productive day of meetings and site surveys. The day included: 1) a meeting regarding ways the Sanctuary can facilitate the Kauai Monk Seal Watch Program with DLNR-DAR Aquatic Biologist, Don Heacock, and Kauai Monk Seal Watch Volunteer Coordinator, Barbara Frazier, at Poipu Beach, the site of a recent monk seal birth; 2) an inspection of a 22 ft. SeaCat boat, that might be considered as a good candidate for the Sanctuary's first vessel; 3) a visit with Dr. Walter Haas to discuss Kauai issues and his vision of the Kauai program; 4) a meeting with Vaughan Tyndzik, DLNR-DOBOR Kauai District Manager, regarding the vessel needs of the Sanctuary; and, 5) a meeting with Robin Mazor, Executive Director of the Kauai Children's Discovery Museum, regarding collaboration with the Sanctuary on marine-related exhibits at the museum.

### Public Education and Outreach

State Public Outreach Coordinator, Liza Simon, has continued to be active in a variety of education and outreach efforts. As mentioned above, Liza has been devoting a significant level of effort to writing the initial draft of the *State of the Sanctuary Report*. She also facilitated front-page media coverage of the DLNR-DAR-Maui sponsored Education Week on Maui, during the week of July 18, 2001, in which teachers were provided a workshop and curriculum materials by Maui Sanctuary HQ staff on July 21, 2001. Liza also continues to work on the first issue of the new Sanctuary newsletter, as well as the initial stages of the image archive, press kit and brochures discussed above.

### State Involvement in Protected Species Stranding Response

The Co-Manager has been working with other DLNR staff to better define the State's role in responses to protected species strandings, especially responses to marine mammal strandings. Staff from DLNR-DAR, DLNR-DOCARE and DLNR-DOFAW have traditionally been essential participants in stranding responses statewide, but there is currently no written authorization from NMFS for these people to be involved. There have been several meetings over the past few months between DLNR and NMFS-PIAO to discuss this issue. NMFS recently agreed to work with DLNR to issue to the Department a Letter of Authorization under the ESA and MMPA, which would officially authorize DLNR staff to "take" protected species in the course of responding to a stranding incident. Once this letter is issued, the Department hopes to develop an agreement with NMFS, which clearly states stranding response protocols for various scenarios and specifies the DLNR's roles and responsibilities in implementing the protocols. The DLNR welcomes Sanctuary staff and SAC involvement as we work to become more effective participants in the stranding network.

### Other Activities

- The Co-Manager accompanied Acting Manager Naomi McIntosh at a meet with NOAA-ONMS Director Dan Basta and other NOAA Sanctuary staff on May 16, 2001, regarding possible upgrade/expansion of office facilities at the Sanctuary's Oahu (Hawaii Kai) office.
- 5) The Co-Manager and Public Outreach Coordinator attended a briefing on May 18, 2001 by NMFS-Office of Protected Resources personnel regarding the *Watchable Wildlife Campaign* that is currently being promoted by NMFS.
- 6) The Co-Manager attended a May 24, 2001 training on large whale disentanglement sponsored by NMFS-Office of Protected Resources and presented by disentanglement experts with the Massachusetts-based Center for Coastal Studies.
- 7) The Co-Manager and State Public Outreach Coordinator attended the Reserve Advisory Council meeting of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve on May 21, 2001.
- 8) The Co-Manager provided an overview of humpback whale biology and an introduction to the Sanctuary to Ms. Dang's 5<sup>th</sup> grade science class at Central Middle School on June 4, 2001.
- 9) The Co-Manager attended a June 27, 2001 briefing by Dr. Peter Worchester regarding the proposed North Pacific Acoustical Laboratory project that would

involve funding for aerial surveys of cetacean distribution around the North Shore of Kauai.

10) The Co-Manager attended a State Supervisor's Training on June 27, 2001.

cc: Gilbert S. Coloma-Agaran, DLNR Chairperson  
William S. Devick, DLNR-DAR Administrator  
Naomi McIntosh, Acting Sanctuary Manager

### ATTACHMENT 3

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## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

### **Conservation Subcommittee Report**

#### **For the August 2001 SAC Meeting**

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#### **Conservation Subcommittee Members**

Hannah Bernard, County of Maui

James Coon, Business/Commerce and SAC Chair, Trilogy Cruises

Eric Gilman, Conservation, National Audubon Society (Subcommittee Chair)

Walter Haas, County of Kauai

Isaac Harp, Fishing, Kahea Alliance

Lou Herman, Citizen-At-Large, Kewalo Basin Marine Mammal Lab

Greg Kaufman, Tourism Alternate, Pacific Whale Foundation

Lucinda Knapman, Western Pacific Fishery Mgmt. Council

Paul Nachtigall, Research, Marine Mammal Research Program

Richard Poirier, DBEDT Office of Planning

Claud Sutcliffe, Citizen-At-Large Alternate, Mediation Center of Molokai

CDR Mike Tosatto, U.S. Coast Guard

Jon VanDyke, Conservation Alternate, University of Hawaii School of Law

Reginald White, Whale Watching Alternate

The Conservation Subcommittee met on 1 August 2001. We discussed 5 issues and have 10 recommended actions for the SAC's consideration. The action item related to the South Pacific Whale Sanctuary will be presented under agenda item 7a of the SAC Agenda. All remaining action items will be presented under the New Business section of the SAC meeting agenda.

### **RECOMMENDATIONS FOR SAC ACTION**

#### **CO<sub>2</sub> Sequestration**

##### Recommendations for SAC Action:

- (a) The Conservation Subcommittee recommends that the SAC send a letter, prepared by Walter Haas, to the Undersecretary of the Navy.
- (b) The Conservation Subcommittee recommends that the SAC adopt a Resolution stating a position of opposition to the proposed CO<sub>2</sub> Sequestration experiment.
- (c) The Conservation Subcommittee recommends that the SAC request that the Sanctuary Co-Managers promulgate a rule specifically prohibiting CO<sub>2</sub> Sequestration experiments from occurring in Sanctuary waters if the experiment is proposed to occur in Sanctuary waters in the future (although movement of the experiment back to state waters is unlikely).

Background: A draft Resolution, which was distributed at the March 2001 SAC meeting (a page was missing from the draft after copies were made), was reviewed at the



Subcommittee meeting, as well as a proposed draft letter to the Secretary of Energy commenting on the proposed CO<sub>2</sub> sequestration project. A second letter prepared by Dr. Walter Haas was distributed via e-mail to subcommittee members on 30 July. The Hawaii House and Senate passed Resolution HCR 64 HD1 SD1 regarding the proposed CO<sub>2</sub> sequestration experiment. The Resolution can be accessed at [www.capitol.hawaii.gov/sessioncurrent/bills/hcr64\\_sd1.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hcr64_sd1.htm). Gerald Nihous' rebuttal of the draft Resolution, and Isaac's counter-rebuttal of Nihous' comments were distributed to the SAC at the last SAC meeting. The experiment is now planned to proceed in 2002, and four alternate sites are being considered, three of which are located offshore of Hawaii, outside state waters. The fourth alternative site is in the Gulf of Mexico.

### **Threat assessment and management plan review**

Recommendations for SAC Action: The Conservation Subcommittee recommends that the SAC allocate requisite funds to conduct a comprehensive review of threats faced by whales while they are in Hawaii waters. The Subcommittee recommends that the SAC ask the Co-Managers to convene a Pacific Basin-wide workshop (similar to a workshop convened in 1995) and produce an edited Proceedings with management recommendations (the tentatively planned vessel strike workshop could be a component of this broader workshop). Alternatively, if the SAC does not support convening a workshop for this purpose, the Subcommittee recommends that the Sanctuary hire a contractor to conduct the research and produce a written product with management recommendations, where the contractor would solicit assistance from regional experts.

Background: On 19 July the Sanctuary office distributed a portion of the draft management plan to the conservation subcommittee members requesting comments. The document does not include a discussion of how the Sanctuary selected areas for planned focus. At the Conservation Subcommittee meeting held on 13 December 2000, the Sanctuary Co-Managers agreed to have the subcommittee review and if necessary, recommend improvements to the Sanctuary's regulations as part of the Management Plan review process. Mike Tosatto volunteered to coordinate an assessment of threats to humpback whales in Sanctuary waters to provide a framework to identify needed changes in the Sanctuary regulations and management plan. The purpose of conducting a threat assessment is to look at specific human activities that appear to most likely have possible significant adverse effects on whales, and assess the adequacy of the existing management framework to determine if additional conservation measures are warranted. Realistic alternative to complete the proposed assessment include having the Sanctuary office allocate requisite funds to either (a) hire a contractor to conduct the research and produce a written product with management recommendations, or (b) convene a workshop (similar to a workshop convened in 1995) and produce an edited Proceedings with management recommendations (the tentatively planned vessel strike workshop could be a component of this broader workshop).

### **High speed vessels**

Recommendations for SAC Action:

- (a) After the Sanctuary completes an assessment of the threats to whales from vessel strikes, the Conservation Subcommittee recommends that the SAC request that the

Sanctuary Co-Managers assess the need to initiate a rule promulgation process to address the threat of whale and vessel collisions.

- (b) The Conservation Subcommittee recommends that the SAC request the Sanctuary Co-Managers to conduct requisite research and consultation with industry to determine needed restrictions on high speed vessels in Sanctuary waters (e.g., what size and type of vessels are of concern, would seasonal restrictions be effective at addressing threats, should speed limits be put in place for specific locations or seasons, should a monitoring program be mandated to avoid collisions with whales, etc.).

Background: There are plans for inter and intra-island high speed hydrofoil ferries to begin operation prior to the next whale season, operating between Honolulu, Molokai, Maui, and in the future, also servicing Kauai and Hawaii. Reasonable precautionary measures might include seasonal restrictions on speed and routes, and restricting high speed operation to daylight hours during specified seasons. Based on known information of the threat to whales from high speed vessels transiting humpback nursery and breeding grounds, the subcommittee and SAC may deem the promulgation of regulations necessary to ensure that protected Sanctuary resources are not negatively affected by this new planned activity.

### **Navy nearshore training activities**

#### Recommendations for SAC Action:

- (a) The Conservation Subcommittee requests that the SAC request that the Sanctuary Co-Managers take action to prohibit the proposed Navy action from occurring in Sanctuary waters and at the Sanctuary office in Kihei.
- (b) The Conservation Subcommittee requests that the Sanctuary Co-Managers inform the SAC if the SAC has made a recommendation on this issue in the past, and recommends that the SAC request the Co-Managers to brief the SAC on the status of the proposed project, such as disclosing MOUs between the Navy and the Department of Commerce.
- (c) The Conservation Subcommittee recommends that the SAC send a letter to the Navy, using as a template the 9 September 1999 briefing that Lou Herman prepared for the SAC, after considering making revisions based on a review of the results of the National Marine Fisheries Service's ESA Section 7 consultation with the Navy on this proposed action.

Background: The Navy is proposing to expand their Hawaiian Island Shallow Water Training Range in the Maui-Kaho'olawe-Lanai basin. Naomi distributed a briefing memo on this subject to the SAC in early July. Threats to whales from the proposed activity include acoustic disturbance and alteration of benthic habitat. Naomi reports that planned construction could be scheduled for Spring 2002.

### **South Pacific Whale Sanctuary Resolution**

Recommendations for SAC Action: The Conservation Subcommittee recommends that the SAC adopt a resolution that commends and supports the recently established national whale sanctuaries in Tahiti, New Zealand, and Australia, encourages additional nations to create sanctuaries in their EEZs, and expresses support for the proposed South Pacific Whale Sanctuary. The Resolution can be addressed to the NOAA representative to IWC.

Background: At the last SAC meeting in May, the Conservation Subcommittee requested that the SAC consider passing a resolution to express support for the creation of a South Pacific Whale Sanctuary, to be directed to the International Whaling Commission. The proposed draft resolution is attached. An effort was unsuccessfully made to get this resolution approved by the SAC before the IWC's last meeting. The IWC did not approve the South Pacific Whale Sanctuary proposal.

## **ATTACHMENT 4**

### **Education Subcommittee Report**

Video conference held on August 2, 2001

*Patty Miller, Education Representative*

The Education Subcommittee was tasked with detailing four *education priority projects* for FY02. The topics for the four *education priority projects* were selected by the education subcommittee in April at the Education Retreat. The projects have been detailed out, as seen below, and will be presented to the Sanctuary staff for consideration for funding. If and when the projects are funded, the Education Subcommittee will further develop the ideas and submit RFP's for the projects.

#### **Project #1: Sanctuary Awareness Campaign**

The idea is to create an on-going campaign to identify the Sanctuary . A *Sanctuary Slogan* will be established and used to get the message out. This slogan could be used on a variety of products such as banners, posters, buttons, brochures, PSA's, media communications etc. The slogan will become a "signature" for the Sanctuary. It was recommended that a public relations firm be contracted to help create the campaign effort. The magnitude of this campaign will depend on the funding allotted.

**Time frame:** Slogan established and campaign started by January 2002.

**Cost items:** Public Relations Firm  
Slogan Products

#### **Project #2: A Sanctuary Signature Event**

It was impossible to come up with one event for the entire state to use as a "signature" event. It was decided that the signature event is actually the arrival of the whales. An official title to this project needs to be established. The objective is to promote the whale season. To promote whale season, a directory/calendar of statewide events, activities and lectures pertaining to the whales and the sanctuary will be created, circulated and advertised. This directory/calendar will include events and activities of any organization in the state conducting events and activities. The directory/calendar will be circulated via web-sites, brochures, newspapers, media etc. This directory can be up-dated as needed. The success of this directory will depend on how well it can be distributed.

**Time frame:** Directory/Calendar ready to publish when the whales arrive in late 2001.

**Cost items:** Contracted person to create/update the directory.  
Printed calendars

#### **Project #3: Sanctuary Education Unit**

- A focus group of community educators will be established to develop the education plan.
- Focus group will define topics and titles of modules to be developed. The modules will be standards based and include student assessment tools. Modules will be developed to be used by formal and in-formal educators.
- As funding is made available, RFP's will be written for individual modules.

- Modules will be distributed through state-wide workshops.

Time Frame: ???

**Costs:** Stipend and travel for focus groups  
Contracts for module development  
Printing of module materials

**Project #4: Support of creation of exhibits of the Maui Education Center**

The interior of the present Maui Education Center has been funded for the remodel and development of new exhibits. A design firm has been contracted to design the displays and exhibits. The Education Subcommittee will work with the Sanctuary staff on ideas and content for the exhibits.

**Time Frame:** On-going

**Costs:** Travel for Education Subcommittee

**SANCTUARY “MESSAGES”**

Education and Outreach activities and events need to convey not only information about the whales but about the sanctuary. We have begun a list of ideas of messages that could be communicated. Obviously not all messages would be communicated in all products or events. This is a list “in the works”, not a final product and ideas are not listed in any particular order. Please take some time to consider the “messages” suggested. What needs to be added to the list?

- the idea that the Sanctuary is a Sanctuary, it exists
- stewardship of the sanctuary and the whales
- regulations
- partnerships
- boundaries
- the physical systems of the sanctuary and their interactions
- the whales
- the ultimate benefit of a sanctuary
- how the sanctuary operates
- threats to the whales
- how to get involved
- what does the sanctuary mean
- marine protected areas
- ethics
- importance of the sanctuary in the overall scheme of things

## **ATTACHMENT 5**

### **Hawai'i County Report**

August 2001 Meeting

*Sallie Beavers, Hawai'i County Representative*

A) No Sanctuary activity on the Big Island to report.

B) The Natural Energy Laboratory of Hawaii Authority is running its Second tour guide class. I recommend that the Sanctuary Managers get in touch with Barbara Lee at NELHA and begin discussions on placing an informational sign at NELHA about the Sanctuary. Information on the whales and the Sanctuary can be incorporated easily into the course.

C) The West Hawaii Fisheries Council recently voted to strengthen Act 306 by the following proposed amendments at their June meeting. (If you are not familiar with Act 306, please visit the DAR website.) These will go to public hearing next winter. I recommend that the Sanctuary write a letter of support for these amendments at the appropriate time as there are several FRAs in Sanctuary waters. These amendments will make it easier for DOCARE to enforce Act 306. I do not currently have a copy of the legal text of the proposed amendments but will forward them to the SAC via email when I get them. The following is a summary written by Tina Owens of the Lost Fish Coalition.

#### **New Amendments Proposed for Fish Replenishment Areas**

1) **REGISTRATION AND IDENTIFICATION:** All vessels used to collect aquarium fish within the West Hawaii Regional Fisheries Management Area (= the entire shoreline of West Hawaii) must be registered with the state. All boats must be clearly marked on both sides with a state designation of AQ to indicate an aquarium collection boat and they must also fly a flag, the size, shape and color to be determined by the state, whenever the boat is carrying collection gear and/or collected marine life.

2) **GEAR AND TRANSIT:** It is unlawful for any person to possess aquarium-collecting gear and/or collected marine or to attempt to take marine animals within the WHRFMA while on an unregistered vessel.

It is unlawful for a vessel that is carrying collecting gear and/or collected marine life to be adrift, anchored or moored within any area prohibiting aquarium collecting.

An aquarium vessel may transit through such areas, provided no collecting equipment is in the water.

3) BUFFER ZONES: Aquarium-collecting vessels may not be adrift, anchored or moored within 100 yards of any area prohibiting collecting. Collecting is still permitted within the open buffer area.

4) NIGHT COLLECTING: It is unlawful for any person to take aquatic life for aquarium purposes between sunset and sunrise within the WHRFMA.

5) BOUNDARIES: The seaward boundaries of the previously-existing Fishery Management Areas (FMAs) and Marine Life Conservation Districts (MLCDs) that currently prohibit aquarium collecting will be adjusted to conform with those of the Fish Replenishment Areas (FRAs). The new seaward boundaries shall be at a depth of 600 feet.

Recreational fish feeding shall also be prohibited in FMAs and MLCDs that do not already prohibit this activity.

6) CONTROL DATE: A control date will be established to provide notice of intent to possibly limit participation in the aquarium fishery within the WHRFMA. Persons who begin active fishing in this fishery after the control date will not be assured of permit issuance if DLNR establishes a limited entry program for this fishery in the future. The date will be the earliest possible date to be determined by West Hawaii's DAR office in conjunction with the Attorney General's office. This does not commit the DLNR to establishing such a limited entry fishery nor prohibit a change of control date.

D) The co-chair of the West Hawaii Fisheries Council has approached me about sharing article space in our local paper, West Hawaii Today with the council and Sea Grant on a rotating basis. The idea is to write a short informative article about the Sanctuary/whales every third week for publication. I believe this would be a good way to raise awareness of the Sanctuary in West Hawaii. I will be happy to follow up on this with Liza.

E) September 15th is Beach Cleanup Day on the Big Island, and I believe, other islands as well. I recommend that the Sanctuary get involved in sponsorship on the Big Island.

## **ATTACHMENT 6**

### **Honolulu County Report**

August 2001 Meeting

*Bill Friedl, Honolulu County Representative*

Since the last SAC meeting which was held in May, the O`ahu staff has mainly focused on administrative responsibilities including the management plan review process and event planning for the FY02 whale season. The O`ahu staff attended training workshops on Oil Spill Response and also on Large Whale Disentanglement. Christine Brammer also attended a four-day volunteer leadership training that was sponsored by the Volunteer Stewardship Network of Malama Hawai`i. Other administrative activities included following up on the Ocean Count project, editing and finalizing the International Marine Debris Conference Proceedings, and organizing the O`ahu office by working on a new filing system.

### **Kaua`i County Report**

August 2001 Meeting

*Walter Haas, Kauai County Representative*

Kaua`i has been relatively quiet except for about 2 reams of e-mail. I met with Jean Souza a couple of times and we planned some activities for next year. Naomi and Jeff visited Kaua`i and we discussed a number of subjects on which I had questions.

I will have participated in the Conservation and the Education subcommittees.